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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,891

01/16/2004

J. David Prest

1756-A-22

8475

26740

7590

06/30/2006

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EXAMINER

WILLIAMS, MARK A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/759,891	PREST	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark A. Williams	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-13,15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-13, 15, and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: applicant has not successfully claimed the entire combination of the rug and fastener means being in direct contact with the step and riser. The terms “attachable”, “adapted to”, and “adapted for” all suggest that applicant intends to claim the subcombination. The following amendments to claim 1 are suggest.

In line 2, change “attachable” to –attached--.

In line 12, change “adapted for” to –in--; and “to” to –with--.

In line 14, change “adapted for” to –in--; and “to” to –with--.

In line 22, change “adapted for” to –in--; and “to” to –with--.

In line 24, change “adapted for” to –in--; and “to” to –with--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-13, 15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent JP 07250754 ('754) in view of Elliott, US Patent 1,782,293.

Regarding claims 1, 4, 13, 15, and 17-20, JP '754 provides a rug having an underside detachably attachable to a step and a riser and including at least a pair of hook and loop fasteners for securing said rug in contact with and directly to the step and riser, said rug comprising in combination (a) a bendable layer of material 1, said layer including first and second edges; (b) one of a first hook fastener and a first loop fastener 3 secured proximate one of said first and second edges; (c) one of a second hook fastener and a second loop fastener 3 secured proximate another of said first and second edges; (d) another of said first hook fastener and said first loop fastener adapted for attachment to the step; (e) another of said second hook fastener and said second loop fastener adapted for attachment to the riser (see figures 1, 3, and 4).

JP '754 discloses the claimed invention except teaching female and male snap lock fasteners as claimed. It is known in the art to use such female/male snap lock means for fastening a member as desired. Elliott provides an example of such a female/male snap fitting engagement. It would have been obvious at the time the

invention was made for one skilled in the art to have included in the design of JP '754 such a modification, for the purposes of providing additional fastening structure to create an even greater securing of the rug. The claimed method is obvious to the design.

Regarding claims 5-9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made such modifications to the device of the combination, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Such a modification is not critical to the design and would have produced no unexpected results. One may elect such positions to better secure the rug against forces resulting from a person or persons walking up or down the steps.

Regarding claims 10-12, the examiner serves Official Notice that it is old and well known in the art to use adhesive to secure fastener members. It would have been obvious to modify the combination to include such adhesive layers as a means of securing the fasteners as desired.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims of record have been considered but are moot in view of the new ground(s) of rejection. Newly

discovered art has been applied to all the pending claims, as outlined in the above rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Williams  
6/26/06



**BRIAN E. GLESSNER**  
**SUPERVISORY PATENT EXAMINER**